

United States District Court

FILED
08 MAY -2 AM 10:47NOT FOR PUBLIC VIEW
Southern DISTRICT

California

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: [Signature]

In the Matter of the Search of

(Name, address or brief description of person or property to
Express Mail Parcel # EH002668438US, addressed to Mario
Avalos, 1920 1st Ave., #610, Seattle, Washington 98101. The
parcel listed the return information of Babycakes, 555 Cadman
St, SD, CA 92114.

APPLICATION AND AFFIDAVIT

FOR SEARCH WARRANT

08 MJ 1386

CASE NUMBER:

DEPUTY

I,

Ana L. Flores

being duly sworn depose and say:

I am a(n)

U. S. Postal Inspector
Official Title

and have reason to believe

that on the premises known as (name, description and/or location)

Express Mail Parcel # EH002668438US, addressed to Mario Avalos, 1920 1st Ave., #610, Seattle, Washington 98101. The
parcel listed the return information of Babycakes, 555 Cadman St, SD, CA 92114 which is in the custody of the U. S.
Postal Inspection Service

in the Southern

District of California

there is now concealed property, namely (describe the person or property)

Controlled substances, materials, and documents reflecting the distribution of controlled
substances through the United States Mail, including money paid for controlled substances,
in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)
evidence and contraband

in violation of Title 21

United States Code, Section(s) 841(a)(1), 843(b) and 846.

The facts to support the issuance of a Search Warrant are as follows:

See attached.

Continued on the attached sheet and made a part hereof.

☒ Yes☐ NoAna Flores
Signature of Affiant

Sworn to before me, and subscribed in my presence

4-29-08

Date

at San Diego, CA
City and State[Signature]
Signature of Judicial OfficerU.S. Magistrate Judge
Name and Title of Judicial OfficerNITA L. STORMES
U.S. MAGISTRATE JUDGE

AFFIDAVIT FOR SEARCH WARRANT

I, Ana Flores, being duly sworn hereby depose and state:

1. I am a United States Postal Inspector currently assigned to the San Diego Field Office of the Postal Inspection Service and my duties include investigating violations of the Drug Abuse Prevention and Control Act.
2. This affidavit is submitted in support of an application for a search warrant for the following Express Mail Parcel # EH002668438US, addressed to Mario Avalos, 1920 1st Ave., #610, Seattle, Washington 98101. The parcel listed the return information of Babycakes, 555 Cadman St, SD, CA 92114.
3. I have been employed as a Postal Inspector since July 2003. From October 2003 through September 2005, I was assigned to the Internal Crimes / Mail Theft Investigations Team. Previous to that, I was employed with the United States Postal Service (USPS) for more than eight years. In July 2006, I received specialized training from the U.S. Postal Inspection Service which included instruction regarding individuals using the U.S. Mails to transport controlled substances and proceeds from the sale of controlled substances as well as the use of Postal Money Orders and other negotiable instruments to launder the proceeds of controlled substances transactions. In May 2007, I completed 80 hours narcotics investigations training by attending the Drug Enforcement Administration's Basic Narcotic Investigator School. In November 2007, I completed 30 hours training from the California Narcotics Officers Association, relative to the investigation of narcotics trafficking.
4. I have been involved in more than 100 investigations involving the shipment of illegal narcotics and controlled pharmaceuticals as well as drug proceeds through the US Mails. I have also investigated individuals who have used US Postal Money Orders, commercial money orders and other types of negotiable instruments to launder the proceeds of illegal narcotics and controlled pharmaceuticals. These investigations have resulted in the arrests of individuals involved in the

1 illegal mailing of narcotics, the seizure of illegal narcotics, controlled pharmaceuticals and
2 proceeds of illegal narcotics and controlled pharmaceuticals.

3 5. Based upon my training, experience and discussions with other Postal Inspectors and agents I
4 know the following in summary:

5 a. Individuals who regularly handle controlled substances leave the scent of controlled
6 substances on the currency and other items they handle. Proceeds from these sales are
7 often stored in close proximity to the controlled substances, thereby transferring the odor
8 of the controlled substance to the monies and packaging materials. Narcotic canines
9 are trained to alert on the scents of controlled substances.

10 b. The Postal Inspection Service and DEA Narcotic Task Force Commercial Interdiction
11 Team have worked aggressively to limit the use of shipping companies and the U.S. Mail
12 for the transportation of controlled substance through these companies.

13 c. Ongoing investigations have disclosed that Priority/overnight and "two day" parcel
14 deliveries have become a method of choice by drug dealers for the transportation of
15 contraband or the proceeds of narcotic sales.

16 d. I know that Southern California is a source region for controlled substances being mailed
17 throughout the United States. The proceeds from these narcotic transactions are then
18 transported via the U.S. Mails and other communication facilities back to Southern
19 California, the source of the controlled substances.

20 e. Drug dealers prefer the U.S. Mail, (but will sometimes utilize commercial shipping
21 companies), specifically "Express Mail" or "Priority Mail," for the narcotic or narcotic
22 proceeds transportation for various reasons, some of which are listed below:

- 23
- 24 1. Items sent via "Express Mail" or "Priority Mail" are considered to be first-class
25 mail, therefore, cannot be examined without a Federal Search Warrant.
 - 26 2. "Express Mail" is usually requested to be delivered by the next day's mail.
 - 27 3. "Priority Mail" is usually requested to be delivered within two days of mailing.
- 28

4. Dispatch times for "Express Mail" are specific and are controllable by the mailer/shipper.
 5. Any delay to the mail is an indication to the mailer the mail items have been possibly compromised by law enforcement agencies to obtain a search warrant.
 6. While it is not always the case that a delay of "Express Mail" or "Priority Mail" is for law enforcement purposes, those involved in illegal transactions have found that the odds are against delays in deliveries of "Express Mail" or "Priority Mail" by United States Postal Service.
 7. "Express Mail" and Priority Mail" may weigh up to 70 pounds and is desired for large volume shipments.
- f. Businesses are more likely to use Express Mail and Priority Mail than First-class Mail in the course of normal business and will often use an Express Mail Corporate Account Number for the billing of the mailed articles.
 - g. Criminals who are involved in trafficking of controlled substances and drug proceeds will often receive multiple Express Mail articles within a short time period of each other.
 - h. Criminals who are involved in trafficking of controlled substances and drug proceeds will often use multiple Post Office Boxes, Commercial Receiving Agencies and addresses in foreign countries to conceal their true identities and place of residence.
 - i. I also know that drug orders containing currency, checks or money orders sometimes do not contain the presence of controlled substances because persons involved in shipping often utilize packing methods and sanitation procedures to conceal the odor or controlled substances.
 - j. I also know from talking to U.S. Postal Service Supervisors and employees responsible for handling the mail that Express Mail is insured for up to \$100 in case of loss or damage. Insurance for Priority Mail may be purchased at an additional fee. Customers are discouraged from sending U.S. currency via the U.S. Mails and are

1 encouraged to purchase negotiable instruments as a means to send currency by the
2 U.S. Postal Service.

3 k. I also know through my training and experience that drug dealers will often use
4 legitimate names and addresses of persons other than their own, or occupants at the
5 residence, in order to receive controlled substances and/or proceeds/monetary
6 instruments at their residence under names other than their own and to avoid
7 suspicion.

8 6. On or about April 21, 2008 the suspect parcel was mailed to my office by an employee from the
9 Midway Processing and Distribution Facility located in San Diego, CA. Upon receipt of the
10 parcel I noticed a strong odor consistent with that of marijuana emanated from the parcel.

11 7. The information in this affidavit is based upon information I have gained from my investigation,
12 my personal observations, my training and experience as well as information related to me by
13 other Postal Inspectors and law enforcement officers. Since this affidavit is being submitted for
14 the limited purpose of securing a search warrant, I have not included each and every fact known
15 to me concerning this investigation.

16 8. The sender of the parcel could not be contacted due to the lack of identifying information. I
17 attempted to contact the sender of the parcel by mailing them a US Postal Service notice which
18 included my call back phone number. As of the date of this affidavit, neither the sender nor the
19 addressee has contacted me.

20 9. On April 29, 2008 I met with Customs and Border Protection Officer Jennifer Corvino and her
21 trained narcotics detection canine Sasha at the San Ysidro Port of Entry. Officer Corvino and
22 Sasha conducted an exterior inspection of the subject parcel. When Sasha examined the parcel
23 described above, Officer Corvino advised that Sasha had alerted to the presence of the odor of
24 controlled substances. I secured the subject parcel pending an application for a search warrant.
25 The qualifications of canine Sasha are contained in attachment A.

26 10. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe
27 controlled substances, notes and/or currency from the illegal sale and mailing of controlled
28

1 substances is being concealed in the subject parcel as described above and seek the issuance
2 of a search warrant directing the search of the article as described above and the seizure of the
3 article, any controlled substances, currency, and/or materials and documents reflecting the
4 distribution of controlled substances, all in violation of Title 21, United States Code, Sections
5 841(a)(1), 843(b), and 846.

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7 
8 Ana Flores
9 Postal Inspector

10 Sworn to before me, and subscribed in my presence, on this

11 29th Day of April, 2008.
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13 
14
15 U. S. Magistrate Judge

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17 **NITA L. STORMES**
18 **U.S. MAGISTRATE JUDGE**
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828 Harmony Hollow Road
Front Royal, VA 22630

SEP 20 2007



U.S. Customs and
Border Protection

ENF-3-04-OTD:CBP:CC-FR MS

MEMORANDUM FOR: Director, Field Operations
San Diego

FROM: Director, CBP Canine Center – Front Royal, Virginia
Office of Training and Development

SUBJECT: Certification of Narcotics and Concealed Human Detection
Capability

The following canine enforcement teams are certified in the detection of heroin, cocaine, marijuana, methamphetamine, ecstasy, hashish, and concealed human detection. These detector dogs are the property of U.S. Customs and Border Protection (CBP) and graduated on September 20, 2007

<u>Dog/Brand #</u>	<u>Customs Officer</u>	<u>Port</u>	<u>Class #</u>
Sasha CG-37	Jennifer Corvino	San Ysidro	CBP389062607
Beau CG-38	Monty D. McGee	Calexico	CBP389062607
Cora CG-39	Eiichiro Ninomiya	San Ysidro	CBP389062607
Ruger CF-58	Curtis Worley	San Ysidro	CBP389062607
Vic CG-45	Rufus L. Leslie	San Ysidro	CBP391062607

The above dogs are reliable in the detection of the substances indicated and can also be expected to detect other dangerous drugs due to chemical processing similarities. It is recommended that these teams be routinely used in all work environments.

This memorandum is record that the identified canine enforcement teams have successfully passed all the CBP canine narcotic and concealed human detection training tests at a level that well exceeds the preponderance of the evidence standard used in judicial proceedings. This document may be released in criminal discovery proceedings.

If any further assistance or information is required, I may be contacted at (540) 631-2600.


Lee T. Titus

Attachment A